

### **REMARKS/ARGUMENTS**

In response to the Examiner's further Office Action of August 23, 2007 issued with respect to the present RCE application, the Applicant respectfully submits the accompanying terminal disclaimer and Amendment of the claims, and the below Remarks.

#### ***Regarding Amendment***

In the Amendment:

independent claim 1 is amended to explicitly recite that the layer of actuator material is etched to define separate ejection and refill actuators. Support for this amendment can be found at page 5, line 3-page 6, line 2 and Figs. 1-7 of the present application; and dependent claims 2 and 3 are unchanged.

It is respectfully submitted that the above amendments do not add new matter to the present application.

#### ***Regarding 35 USC 112, second paragraph Rejections***

It is respectfully submitted that the above-described amendment of independent claim 1 to explicitly recite that the layer of actuator material is etched to define separate ejection and refill actuators, clarifies the claimed subject matter based on the description at page 5, line 3-page 6, line 2 and drawings illustrated in Figs. 1-7 of the present application.

#### ***Regarding 35 USC 103(a) Rejections***

It is respectfully submitted that the subject matter of amended independent claims 1, and claims 2 and 3 dependent therefrom, is not taught or suggested by previously cited Albarda and Waggener either taken alone or in view of one another, because as the Examiner admits Albarda does not disclose a "separate refill mechanism" and because Waggener does not make up for this deficiency in Albarda.

#### ***Regarding Non-Statutory Double Patenting Rejections***

With respect to the Examiner's non-statutory double patenting rejections of claims 1-3 over claims 1-15 of US Patent No. 6,258,285, the Applicant submits herewith a terminal disclaimer in compliance with 37 C.F.R. 1.321(c); the present application and US Patent No. 6,258,285 being commonly owned by the Applicant.

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant/s:



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